

SEP 20 2005

FAX COVER SHEET



PLEASE CONFIRM RECEIPT OF THIS FACSIMILE

Attention: MAIL STOP AF

Fax: (571) 273-8300

Examiner: Joseph G. Ustaris

Supervisory Examiner: Christopher Kelly

UNITED STATES PATENT AND TRADEMARK
OFFICE

Phone: (571) 272-7383

Alt: (571) 272-7331

Pages: Cover + 1 + 1 = 3

Date: September 20, 2005

From: Georgann S. Grunebach

Fax: (310) 964-0941

Assistant General Counsel

Phone: (310) 964-4615

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the correspondence identified above is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 20, 2005.

Georgann S. Grunebach, Reg. No. 33,179
(Printed Name of Depositor)

September 20, 2005
(Date of Signature)

Attention: Mail Stop AF, Commissioner for Patents

Docket No. PD-201008A

Please find attached Re: 09/844,923

- NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (PTO/SB/31) (in duplicate)

PLEASE CONFIRM RECEIPT OF THIS FACSIMILE

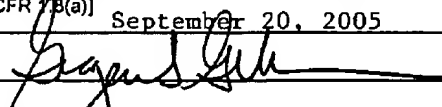
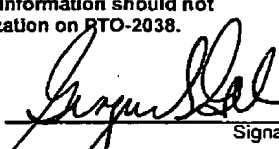
If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

SEP 20 2005

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) PD-201008A						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.3(a)] on <u>September 20, 2005</u> Signature <u></u> Typed or printed name <u>Georgann S. Grunebach, Reg. No. 33,179</u>	In re Application of <u>Erin H. Sibley</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Application Number <u>09/844,923</u></td> <td style="padding: 2px;">Filed <u>04/26/2001</u></td> </tr> <tr> <td colspan="2" style="padding: 2px;">For Digital Over-the-Air Communication System for use With Digital Terrestrial Broadcasting System</td> </tr> <tr> <td style="padding: 2px;">Art Unit <u>2617</u></td> <td style="padding: 2px;">Examiner <u>Ustaris, Joseph G.</u></td> </tr> </table>		Application Number <u>09/844,923</u>	Filed <u>04/26/2001</u>	For Digital Over-the-Air Communication System for use With Digital Terrestrial Broadcasting System		Art Unit <u>2617</u>	Examiner <u>Ustaris, Joseph G.</u>
Application Number <u>09/844,923</u>	Filed <u>04/26/2001</u>							
For Digital Over-the-Air Communication System for use With Digital Terrestrial Broadcasting System								
Art Unit <u>2617</u>	Examiner <u>Ustaris, Joseph G.</u>							
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>500.00</u> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____ <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0383</u> . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,179</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ <div style="text-align: right; padding-right: 50px;">  Signature <u>Georgann S. Grunebach</u> Typed or printed name <u>310-964-4615</u> Telephone number <u>September 20, 2005</u> Date </div>								
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.								
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01 FC:1401

500.00 DA